

REMARKS

Claims 1, 5, 6, 8-11, 13, 15, 17, 20, and 32-35 have been amended. Claims 21-31 have been canceled. Therefore, claims 1-20 and 32-35 are pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

1. Interview Summary

Applicant thanks Examiner Hylton for her helpful interview on March 23, 2004 in which the statements made in the Advisory Action were clarified. As indicated in the Interview Summary, mailed March 25, 2004, the Examiner indicated that she had given the claim term "extending at least a majority of the width of the extension" its broadest interpretation. In the Interview Summary, the Examiner further stated that "Wherein the two bag walls are seamed together, the reinforcement strip is bonded to the second side wall 'extending at least a majority of the extension.'" The applicant has amended claims 1, 15, and 20 herein to address this issue. Also in the Interview Summary, the Examiner stated that her comment regarding the wicket holes of Fox was directed at statements made by the applicant's representative.

Additionally in the Interview Summary, the inconsistent use of the term "half-and-half bag" was noted and measures to correct it were listed. The applicant's representative agreed to use this term in the preamble of the claims. Antecedent basis for this can be found on page 9, lines 3-5 of the application.

The applicant's representative also indicated that the undersigned would like to interview the application when he visits Washington, D.C. in about a month.

2. Amendments to the Claims

Claims 1, 4-6, 8-11, 13, 15, 17, 20, and 32-35 have been amended to replace "first side wall" with "first, mesh side wall" and to replace "second side wall" with "second, film side wall," where appropriate. These amendments are for clarification purposes only and do not narrow the scope of the claims.

In addition, claim 32 has been amended to replace "said upper edge of said reinforcing strip" with "said ~~upper-top~~ edge of said reinforcing strip" to correct a typographical error found upon a review of the application. This amendment does not narrow the scope of claim 32.

3. Rejections Based on the Prior Art

a. Recapitulation of the Invention<sup>1</sup>

The invention relates to a composite bag such as a so-called "half and half" bag having a first side wall formed at least in part from a synthetic resin mesh material and a second side formed from a synthetic resin film material. A reinforcing strip extends horizontally along the upper end portion of the mesh side wall of the bag. The reinforcing strip overlaps the upper edge

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<sup>1</sup> This Section 3a is intended to provide the Examiner with some background information on the state of the art and applicant's contribution to it. It is *not* intended to distinguish specific claims from the prior art. That task is performed in Section 3b below.

of the first side wall such that it is joined to the first side wall through a horizontal seam positioned well beneath the top edge of the reinforcing strip to form an extension that protrudes well above (e.g., 1/2 inch to 1-1/2 inches or even considerably more, such as several inches or more) the upper edge of the mesh side wall. In order to strengthen the seam at the sides of the bag, the side edges of the reinforcing strip are joined to the second, film side wall along at least most of the vertical extent of the extension. This film-to-film bond is considerably stronger than a bond through an intermediate mesh layer, as occurs along the remainder of the side seams of the bag. In addition, the relatively long extension provides an improved contact point for suction cups or other equipment used on automated bag filling equipment to open a bag during a bag filling process.

b. Rejection of Claims

The rejection of claims 1, 4-7, and 11-14 under 35 U.S.C. §103(a) as being obvious over Huertas Spanish Publication No. 1,033,033 in view of either Shigeru Japanese Publication No. 2000-142712, Christensen U.S. Patent No. 3,506,185, or Bell U.S. Patent No. 5,882,120 is traversed as it may be applied to amended claim 1, as the combination of these references fails to teach or suggest the invention recited in amended claim 1.

Claim 1 has been amended as follows.

2) said reinforcing strip overlaps said upper edge of said first, mesh side wall at a location beneath said top edge of said reinforcing strip to form an

extension that protrudes well above said upper edge of first, mesh side wall, said extension having a vertical width and a horizontal length, wherein said vertical width extends from said upper edge of said first, mesh side wall to an upper edge of said extension, and

3) said side edges of said reinforcing strip are directly joined to said second, film side wall along seams extending at least a majority of the vertical width of said extension to provide film-to-film bonding between said extension and said second, film side wall.

The film-to-film bond provided by this attachment is considerably stronger than a bond through an intermediate mesh layer, as occurs along the remainder of the side seams of the bag. In addition, the relatively long extension provides an improved contact point for suction cups or other equipment used on automated bag filling equipment to open a bag during a bag filling process.

The Heurtas bag has a first (mesh) side wall 2 and a second (film) side wall 1. A plastic strip 3 is attached to the mesh side wall 2. Perforated lines 5 are formed in the strip 3. However, as the Examiner admits, Huertas' strip 3, even if properly considered a reinforcing strip, is *not* attached at its side edges to the second (film) side wall, as required by claim 1. It therefore lacks side edges of the reinforcing strip that are directly joined to the second, film side wall along seams extending at least a majority of the vertical width of said extension to provide film-to-film bonding between said extension and said second, film side wall. An annotated copy of Figures 3

and 4 of Huertas follows to illustrate this difference. The arrow in Figure 4 points to the only point at which strip 3 is directly bonded to the second (film) side wall 1. However, since the first (mesh) side wall 2 is sandwiched between strip 3 and second (film) side wall 1, direct film-to-film bonding only occurs at holes in the first (mesh) side wall 2 and not along at least a majority of the vertical width of said extension, as amended claim 1 requires.

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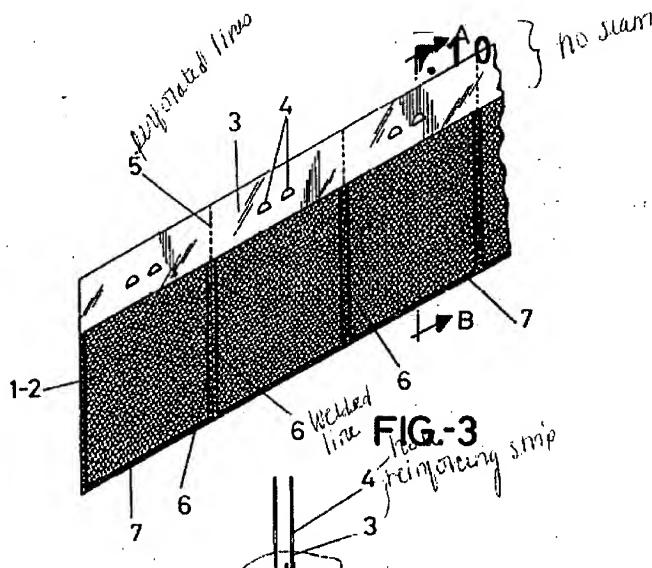
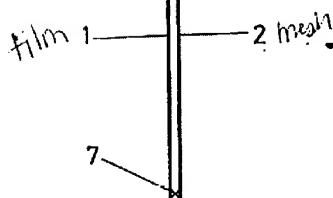


FIG. 4  
A-B



The Shigeru, Christensen, and Bell references cannot cure the deficiency in Huertas because none of these references disclose a half-and-half bag, i.e., a bag with a first side wall made formed from a *mesh* material and a second side wall formed from a *resin* material, as claim 1 recites. Therefore, the teachings of these references are not applicable to the claimed invention. Specifically, the Shigeru, Christensen, or Bell references fail to teach or suggest a reinforcing strip that extends along an upper edge of a first (mesh) side wall and that is joined to a second (film) side wall, as claim 1 requires. This is due to the fact that none of the bags disclosed by the Shigeru, Christensen, or Bell references is a half-and-half bag.

For instance, the Shigeru bag has two *mesh* sides 4. Therefore, its surface sheet 2 does not extend along a first (mesh) side and is not joined to a second (film) side, as claim 1 requires. Moreover, the surface sheets 2 are attached not to the top of the bag but to the *entire* side walls of the bag to permit the bag to be sealed. The sheets 2 extend above the mesh sides 4 only to provide a chuck 3, of the type commonly found on Zip-Lock® bags, on a mesh bag. The strips 2 are sealed to one another only beneath the chuck 3 and only to provide a sealed bag once the chuck is closed. The Huertas bag, being a shopping bag having hand openings, lacks any need for such a chuck or to provide a sealed bag and, therefore, would lack any need to attach its strip 3 to the film side wall 1. Even if there were some incentive to provide a chuck as in the Shigeru bag, the routiner would have been motivated to attach the strip to the film side wall 1 only

beneath the chuck rather than along at least a majority of the width of any extension formed by that strip, as recited in claim 1.

The Christiansen bag has sides 2, 3, which are made from a polythene foil. Reinforcing ribbons 6 and 7 are provided along the upper edges of the sides 2, 3 to strengthen finger openings 8 and 9. The sides 2, 3 of the bag are joined along one continuous vertical weld 11 and 12. (col. 3, lines 9-37) Therefore, reinforcement ribbons 6 and 7 do not extend along a first (mesh) side and are not joined to a second (film) side, as claim 1 requires. The ribbons 6 and 7 also do not extend *above* either of the foil sides. As such, the side edges of reinforcement ribbons 6, 7 of Christensen could not possibly suggest joining a reinforcement strip extending *above the top* of one side of a bag directly to the opposite side wall of the bag as claim 1 requires.

Bell discloses a bag 1 that includes first and second opposed side walls, panel sections or panels 4 and 5, and a base or bottom gusset or gusset member 8 having holes 9 therein. However, as in Shigeru and Christensen, and unlike in the present invention, the panels 4 and 5 are *not* made of different materials. Thus, the bag construction 1 is *not* a composite bag. Thus, the teachings of Bell are not applicable to those of Huertas. Nevertheless, even if the references were combined, the invention would not result. The bag 1 of Bell includes an open, bottom end 12 and a closed, top end 11 having a flap 15 thereon with a handle aperture 16 therein. (col. 4, lines 36-48). As can be seen from Figure 4, both panels 4 and 5 include a flap 15 thereon, and the flaps 15 are attached directly to each other. Therefore, a reinforcement strip on one side of

the bag is not joined *directly* to the other side of the bag, as claim 1 requires. Identical panels are instead sealed to one another, and only for reasons inapplicable to Heartas' bag.

Hence, none of Fox, Shigeru, Christensen, and Bell, can cure the basic deficiency in the teachings of Huertas because they, like Huertas, all lack (1) a composite film/mesh bag having (2) a reinforcing strip on the mesh side of the bag that (3) extends above the mesh material and (4) is *directly* joined to the film side wall along at least a majority of the vertical width of said extension (as opposed to another extension), as amended claim 1 requires. Amended claim 1, which recites a composite bag having improved seam strength when compared to earlier composite bags, is neither disclosed nor suggested by the prior art relied upon in the rejection. Amended claim 1 therefore believed to be non-obvious over the cited prior art. Withdrawal of the rejection of claim 1 and allowance are believed to be in order and are respectfully requested. The dependent claims, including claims 2, 3, and 8-10, which also additionally rejected in view of Fox, are believed to be in condition for allowance for at least the same reasons that claim 1 is allowable.

Claim 15 has been amended in the same manner that claim 1 was amended. Specifically, claim 15 now requires the following.

2) said reinforcing strip overlaps said upper edge of said first, mesh side edge wall such that said reinforcing strip is joined to said first side wall through a horizontal seam positioned well beneath said top edge of said reinforcing strip to form an extension that protrudes at least 1" above said upper

edge of first, mesh side wall, said extension having a vertical width and a horizontal length, wherein said vertical width extends from said upper edge of said first, mesh side to an upper edge of said extension,

3) said side edges of said reinforcing strip are thermally bonded directly to said second, film side wall along seams extending at least a majority of athe vertical width of said extension to provide film-to-film bonding between said extension and said second, film side wall,

Like amended claim 1, amended claim 15 now further defines the vertical width of the extension. The combined teachings of the cited references fail to teach or suggest a half-and-half bag in which the side edges of the reinforcing strip to be *directly* joined to the second, film side wall along seams extending at least a majority of the vertical width of said extension to provide film-to-film bonding between said extension and said second, film side wall.

The additional teachings of Fox cannot cure deficiencies in Huertas because reinforcing strip 32 of Fox is bonded only to the mesh side of the bag.

Claim 20 has been amended in the same manner that claim 1 was amended. In addition, claim 20 still requires the second (film) side wall to protrude above an upper edge of the reinforcing strip. As the Examiner admits, Huertas fails to teach the second side wall upper edge protruding above the upper edge of the reinforcing strip. The Examiner cites Cammack to cure this deficiency. However, Cammack cannot cure this deficiency, as the Cammack bag 10 lacks a second (film) side wall that protrudes above an upper edge of the reinforcing strip and that

extends along a first (mesh) side wall, as claim 20 requires. This is due to the fact that the Cammack bag 10 is not a half-and-half bag. Instead, its bottom portion 20 is made from a net material. The other rejections of claims 32-35 that rely on in part relying on Cammack to cure deficiencies in the other cited references are equally deficient, as is the rejection of claim 21 as being obvious over Huertas in view of Cammack and one of Shigeru or Christensen or Bell.

2. Conclusion

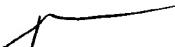
It is submitted that claims 1-20 and 32-35 are in compliance with 35 U.S.C. § 103 and each define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

A notice of appeal was filed by the applicant on January 26, 2004, resulting in a March 26, 2004 deadline to file a reply brief or a Request for Continued Examination (RCE). Applicant requests a one-month extension of time from March 26, 2004 to April 26, 2004 to file an RCE. A check in the amount of \$440 in payment of the fee by a small entity for a one-month extension of time (\$55) and the fee for filing a RCE (\$385) is enclosed. Authorization is given to charge any additional fees or credit any overpayment in connection with this or any future communication to Deposit Account No. 50-1170.

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Group Art Unit 3727 – Attorney Docket 81.010  
Amendment to Accompany RCE  
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The Examiner is invited to contact the undersigned by telephone if it would expedite prosecution and allowance of this application.

Respectfully submitted,



Timothy Newholm  
Registration No. 34,400

Date:

BOYLE FREDRICKSON NEWHOLM  
STEIN & GRATZ S.C.  
250 Plaza, Suite 1030  
250 East Wisconsin Avenue  
Milwaukee, WI 53202  
Telephone: (414) 225-9755  
Facsimile: (414) 225-9753